



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

NOV 6 2009

REPLY TO THE ATTENTION OF:

A-18J

Dan Murray, Assistant Commissioner
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Re: Order Responding to the Petition on the BP Products North America, Inc., Whiting Title V Permit

Dear Mr. Murray:

Enclosed is a copy of the U.S. Environmental Protection Agency's Order responding to the petition, submitted by the Environmental Law and Policy Center on behalf of a number of petitioners, which requested that the Administrator object to the Clean Air Act Title V permit issued by the Indiana Department of Environmental Quality (IDEM) to the BP Products North America, Inc., Whiting (Whiting) refinery. The Order, which the Administrator issued on October 16, 2009, grants the petition in part and denies it in part. By this letter, EPA transmits the Order to you. IDEM has 90 days from receipt of this Order to resolve the objections identified within and to terminate, modify, or revoke and reissue the Whiting Title V permit, consistent with the procedures in 40 C.F.R. § 70.7(g)(4).

In addition, section 505(b)(2) of the Clean Air Act (Act), 42 U.S.C. § 7661d(b)(2), provides that any denial of a petition is subject to judicial review under section 307 of the Act. Pursuant to section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1), the petitioners may, within 60 days of publication of notice of this decision in the *Federal Register*, seek in the United States Court of Appeals for the Seventh Circuit judicial review of EPA's denials.

If you have any questions or would like to discuss this matter further, please feel free to contact me or Pamela Blakley, of my staff, at (312) 886-4447.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton".

Cheryl L. Newton

Director

Air and Radiation Division

Enclosure



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REPLY TO THE ATTENTION OF:

A-18J

Faith E. Bugel
Environmental Law and Policy Center
35 East Wacker Drive Suite 1300
Chicago, Illinois 60601

Re: Order Responding to the Petition on the BP North America Whiting Title V permit

Dear Ms. Bugel:

Enclosed is a copy of the U.S. Environmental Protection Agency's Order responding to the petition submitted by your office on behalf of a number of petitioners, in which you requested that the Administrator object to the Clean Air Act Title V operating permit issued by the Indiana Department of Environmental Management (IDEM) to the BP North America Whiting refinery (Whiting). The Order, which the Administrator issued on October 16, 2009, grants the petition in part and denies it in part. IDEM has 90 days from receipt of the Order to resolve the objections identified within and to terminate, modify, or revoke and reissue the Whiting Title V permit consistent with the procedures in 40 C.F.R. § 70.7(g)(4).

In addition, section 505(b)(2) of the Clean Air Act (Act), 42 U.S.C. § 7661d(b)(2), provides that any denial of a petition is subject to judicial review under section 307 of the Act. Pursuant to section 307(b)(1) of the Act, 42 U.S.C. § 7607(b)(1), the petitioners may, within 60 days of publication of notice of this decision in the *Federal Register*, seek in the United States Court of Appeals for the Seventh Circuit judicial review of the portions of the petition that EPA denied.

If you have any questions or would like to discuss this matter further, please feel free to contact me or Pamela Blakley, of my staff, at (312) 886-4447.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton

Director

Air and Radiation Division

Enclosure